

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.1:20-cv-11335

MARIE BAPTISTE and MITCHELL MATORIN)

Plaintiff,)

v.)

COMMONWEALTH OF MASSACHUSETTS,)
and EXECUTIVE OFFICE OF HOUSING)
AND ECONOMIC DEVELOPMENT,)

Defendants.)

JOINT STATUS REPORT OF THE PARTIES

Pursuant to this Court’s Order of July 20, 2020, the parties provide this joint status report.

1. Despite good faith efforts, the parties have been unable to resolve the issues raised in Plaintiff’s Motion for Injunctive Relief, as well as the underlying case.

2. **Status of State Court Action, *Matorin v. Commonwealth of Massachusetts, CA***

20CV1334

- a. On May 29, 2020, Plaintiffs Mitchell Matorin and Linda Smith filed an Emergency Petition for Relief Pursuant to G.L. c. 211, §3, G.L. c. 214, §1, and G.L. c. 231A, §1 with the Supreme Judicial Court for the County of Suffolk (*i.e.*, the SJC’s “single justice” session) seeking to strike down and enjoin Chapter 65 of the Acts of 2020 (“Act”).

- b. On or about June 23, 2020, a Single Justice (Lowy, J) transferred the petition to the Suffolk County Superior Court. Superior Court Justice Hon. Paul D. Wilson was specially assigned to the case.
 - c. A hearing on the Plaintiffs' Motion for Preliminary Injunction is scheduled for July 30, 2020 at 10:00 a.m. No preliminary injunction has been issued, nor appealed.
 - d. On July 16, 2020, the Plaintiffs filed a Notice of Voluntary Dismissal, waiving and dismissing all federal claims in the State court case, "specifically including claims made under the First Amendment to the United States Constitution, Fifth Amendment to the United States Constitution and Contracts Clause of the United States Constitution, without prejudice, and reserving same to be asserted fully in the action of *Baptiste v. Commonwealth of Massachusetts*, United States District Court for the District of Massachusetts. CA 1:20-cv-11335."
 - e. The claims remaining pending are: (1) violation of article 30 of the Massachusetts Declaration of Rights (separation of powers); (2) violation of articles 11 & 29 of the Massachusetts Declaration of Rights (access to the courts); and (3) demand for just compensation under article 10 of the Massachusetts Declaration of Rights and G.L. c. 79 (takings).
3. **Extension of Moratorium**. On July 21, 2020, Governor Baker formally extended the Act through October 17, 2020. See <https://www.mass.gov/doc/foreclosures-and-evictions-moratorium-extension-july-21-2020>
4. **Recusal/Disqualification Issue for Richard Weitzel**: In response to this Court's July 21, 2020 Order, counsel for the parties have conferred and understand that Attorney

Weitzel was previously a law clerk for this Court. The parties agree that disqualification is not warranted for either this Court or Attorney Weitzel, and the Plaintiffs are willing to waive all such disqualification issues.

Respectfully submitted,

Respectfully submitted,
Marie Baptiste and Mitchell Matorin,
By their attorneys,

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Dated: July 23, 2020